



STATE OF INDIANA

Request for Proposal 16-021

INDIANA DEPARTMENT OF ADMINISTRATION

On Behalf Of INDIANA DEPARTMENT OF CORRECTION

Solicitation For: **BULK SUPPLY OF COMMISSARY PRODUCTS FOR IDOC COMMISSARY**

Response Due Date: October 15, 2015 by 3:00 PM EST

Eric Klinefelter, Strategic Sourcing Analyst
Indiana Department of Administration
Procurement Division
402 W. Washington St., Room W468
Indianapolis, Indiana 46204

SECTION ONE

GENERAL INFORMATION AND REQUESTED PRODUCTS/SERVICES

1.1 INTRODUCTION

In accordance with Indiana statute, including IC 5-22-9, the Indiana Department of Administration (IDOA), acting on behalf of the Indiana Department of Correction, requires a vendor to supply bulk commissary items for re-sale on the IDOC Commissary, and to provide as an added value, a computer based application for allowing IDOC offenders to order commissary electronically from a platform to be chosen by the IDOC. It is the intent of IDOA to solicit responses to this Request for Proposals (RFP) in accordance with the statement of work, proposal preparation section, and specifications contained in this document. This RFP is being posted to the IDOA website (<http://www.IN.gov/idoa/2354.htm>) for downloading. A nominal fee will be charged for providing hard copies. Neither this RFP nor any response (proposal) submitted hereto are to be construed as a legal offer.

1.2 DEFINITIONS AND ABBREVIATIONS

Following are explanations of terms and abbreviations appearing throughout this RFP. Other special terms may be used in the RFP, but they are more localized and defined where they appear, rather than in the following list.

APP (or App)	A computer based application with a screen based icon which is accessible from a handheld tablet and configurable to an operating system to be selected at a later date by the IDOC. Potential operating systems include Android, Apple, or Windows operating systems, with an Android based system having the greatest potential for implementation.
IAC	Indiana Administrative Code
IC	Indiana Code
Commissary	Packaged food, clothing, personal hygiene items, electronics and various sundries sold directly to IDOC Offenders.
CUF	Commercially Useful Function – A business function that supports the scope of this solicitation
Full Time Equivalent (FTE)	The State defines FTE as a measurement of an employee's productivity when executing the scope of work in this RFP for a specific project or contract. An FTE of 1 would mean that there is one worker fully engaged on a project. If there are two employees each spending 1/2 of their working time on a project that would also equal 1 FTE
Implementation	The successful implementation of bulk commissary supply at the Indiana Government Center as specified in the contract resulting from this RFP

Installation	The delivery and physical setup of products or services requested in this RFP
Offender	A person incarcerated under the control and custody of the Indiana Department of Correction, or in a facility of the Indiana Department of Correction managed by a private contractor.
Other Governmental Body	An agency, a board, a branch, a bureau, a commission, a council, a department, an institution, an office, or another establishment of any of the following: 1) The judicial branch 2) The legislative branch 3) A political subdivision (includes towns, cities, local governments, etc.) 4) A state educational institution
Products	Tangible goods or manufactured items as specified in this RFP
Proposal	An offer as defined in IC 5-22-2-17
Respondent	An offeror as defined in IC 5-22-2-18. The State will not consider a proposal responsive if two or more offerors submit a joint or combined proposal. One entity or individual must be clearly identified as the respondent who will be ultimately responsible for performance of the contract
Services	Work to be performed as specified in this RFP
State	The State of Indiana
State Agency	As defined in IC 4-13-1, “state agency” means an authority, board, branch, commission, committee, department, division, or other instrumentality of the executive, including the administrative, department of state government
Total Bid Amount	The amount that the respondent proposes on Attachment D and Attachment J that represents their total, all-inclusive price.
Vendor	Any successful respondent selected as a result of the procurement process to deliver the products or services requested by this RFP

1.3 PURPOSE OF THE RFP

The purpose of this RFP is to select a Vendor that can satisfy the State’s need for over \$12,400,000 annually in bulk commissary supplies/products for re-sale on the IDOC Commissary. Additionally, the Vendor providing as an added value, and at no cost to the State, a computer based application

(APP) to allow offenders to order commissary electronically from a kiosk or tablet based platform to be implemented during the contract term resulting from this RFP.

The Indiana Department of Correction, due to concerns of logistics and taxation, prefers that PEN Products, the Industries and Farms division of the IDOC, remain the operator and manager of the IDOC Commissary, and remain the direct seller of commissary products to offenders.

It is the intent of the Indiana Department of Correction to enter into a contract with a Vendor to provide PEN Products with bulk commissary supplies/products for re-sale by PEN Products on the IDOC Commissary. However, the IDOC is aware that the marketplace may offer alternative solutions to the current PEN Products' Commissary operation/management that may improve upon or offer a more cost effective management solution than that provided by PEN Products. To explore this possibility and provide potential vendors the opportunity to propose such solutions, the IDOC, through IDOA, will accept for review alternative proposals to replace one or more of the current operational and management components of PEN Products Commissary operations.

1.4 SUMMARY SCOPE OF WORK

The Vendor shall be the bulk or wholesale supplier of the IDOC Commissary, supplying products to be sold by PEN Products on the IDOC Commissary. This is the preference of the IDOC.

However, the IDOC is interested in alternative solutions that may improve upon or offer greater value than the current Commissary operations. As a result, the Respondent may submit one alternative proposal that proposes solutions to Commissary operation/management that improves upon that currently provided by PEN Products. That is, each Respondent has the option to submit a proposal to replace one or more components of the current PEN Products commissary operation. Additional specifications for such alternative proposals will be set forth in this RFP. Submission of an alternative proposal is at the option of the Respondent, and may be submitted along with a separate proposal for bulk commissary supply. **Respondents MUST submit a proposal for bulk commissary supply in order to submit an optional alternative proposal.**

The bulk supply and optional alternative proposals will utilize different baselines and scoring methodologies as is further set forth in this RFP. If at least one alternative proposal is received from all respondents, the State will first review all alternative proposals received in order to determine if it is the State's best interest to accept an alternative approach. If the State determines after such review that is not in the State's best interest to continue to review alternative proposals, the State will then review just the proposals for bulk commissary supply without any further consideration for the alternative proposals received. The evaluation of alternative proposals shall include consideration of the commissions to the State to be generated, the cost of commissary products to offenders, the impact on offender jobs, the impact on other IDOC programs and operations, and the impact on IDOC assets currently being utilized in connection with the Commissary such as the Plainfield warehouse/distribution center and the PEN truck delivery fleet, and other logistics and taxation issues. If pursuing an alternative proposal is determined to be in the State's best interest, the State will then evaluate and score the alternative proposals received against each other using the relevant scoring methodologies set forth herein.

Overview of Current Commissary Operation

Pen Products, a division of the IDOC, currently provides Commissary to 20 adult correctional facilities and five juvenile correctional facilities situated throughout the State, serving approximately 27,000 offenders. As part of the IDOC Commissary operation, PEN Products utilizes a warehouse at the Plainfield Correctional Facility as a central warehouse/distribution center for fulfillment of commissary orders. PEN Products fulfills commissary orders at the Plainfield Warehouse using a labor force of approximately 250 IDOC offenders in a pick and pack operation, and then delivers the orders to each IDOC correctional facility using six tractor trailer trucks and three box trucks that it owns. The fulfillment of orders takes place using a ticket system operated by PEN Products. PEN utilizes IDOC fiscal or correctional staff to run the Commissary at each facility (taking orders and distributing commissary on site). Currently the majority of the offenders orders are processed through the State's Kiosk system with the ordering software supplied by the kiosk provider and integrated with PEN's commissary system. There are still some offender orders which facility staff processes the offender paper order sheets. The PEN system checks orders against the each offender's trust fund balance and makes the deductions. Facilities staff then distributes the orders within the facilities. Currently PEN uses three different loss prevention methods: 1) searching offenders coming in and out of the warehouse/distribution center; 2) scanning all orders to make sure all items are included in the order; 3) weighing all orders ensure they are within the tolerance of the expected weight of the order. PEN Products provides foremen and a supervisor to provide supervision inside the warehouse/distribution center, with facility staff providing additional security.

Commissary orders are delivered directly to the following facilities by PEN Products, using its fleet of trucks and drivers. **Note: At this time Summit Boot Camp does not receive Commissary.** Deliveries are made to a central location in each facility and from there delivered directly to offenders using IDOC staff who are either custody officers or commissary staff from the IDOC's Fiscal Division. PEN compensates the IDOC approximately \$1.2 million a year in reimbursement for these staff.

Indiana Department of Correction				
Total Beds as of August 1, 2015				
Adult Facilities	Location	Gender	Custody Level	Pop.
Branchville Correctional Facility	Tell City	Male	Medium	1399
Chain O' Lakes Correctional Facility	Albion	Male	Low	132
Correctional Industrial Facility	Pendleton	Male	Medium	1392
Edinburgh	Edinburgh	Male	Low	270
Henryville Correctional Facility	Henryville	Male	Low	145
Indiana State Prison	Michigan city	Male	High	2307
Indiana Women's Prison	Indianapolis	Female	Medium	612
Indianapolis Re-Entry Education	Indianapolis	Male	Low	355
Madison Correctional Facility	Madison	Female	Low	621
Miami	Bunker Hill	Male	High/Medium/Low	3071
New Castle	New Castle	Male	High/Medium/Low	3172
Pendleton Correctional Facility	Pendleton	Male	High/Medium/Low	1583
Plainfield	Plainfield	Male	Medium	1680
Putnamville	Putnamville	Male	Medium	2384

Reception Diagnostic Center	Plainfield	Male	High	517
Rockville Correctional Facility	Rockville	Female	Medium	1196
Heritage Trail Correctional Facility	Plainfield	Male	Low	863
South Bend Work Release	South Bend	Male	Low	150
Wabash Valley	Carlisle	Male	High/Medium/Low	1981
Westville	Westville	Male	High/Medium/Low	2912
TOTAL ADULT BEDS				26742
Juvenile Facilities	Location	Gender	Custody Level	Beds
Logansport intake	Logansport	Male	High	32
Madison Juvenile Correctional	Madison	Female	High	43
Logansport Treatment (North Central) Juvenile	Logansport	Male	High	120
Pendleton Juvenile Correctional Facility	Pendleton	Male	High	178
Summit Boot Camp* No Commissary	LaPorte	Male	High	28
TOTAL JUVENILE BEDS				401

Wholesale Products for Re-Sale

The Vendor shall supply products for re-sale on the Commissary and other PEN ventures. PEN's spend on Commissary Supplies was approximately \$15.5 million for fiscal year 2015. The funding for such spend came from PEN's Revolving Fund established under IC 11-10-6-6. The IDOC is seeking a contract through this RFP that represents approximately 80% of this spend or \$12.4 million per year. These figures are only an estimate and are not to be construed as an amount to be offered under this RFP.

The categories for Commissary Supplies within the scope of the bulk supply section of this RFP are:

1. Clothing
2. Electronics
3. Food
4. Footwear
5. Health and Beauty
6. Miscellaneous
7. Office Products

The Vendor must be capable of supplying at least ninety-five percent (95%) of the items in each category as set in the Essentials List set forth in this RFP. The Vendor will also make available all other items it offers in its catalog with the items discounted below the manufacturer's suggested retail price (MSRP), or the Vendor's catalog price if lower, in order to allow PEN Products to fulfill changes to the current offering to offenders.

Limitations on this solicitation

In this RFP, the State is not seeking a system for processing outside payments into the offender trust fund, a system for video visitation, a system for ingoing or outgoing email, a system for the distribution or sale of digital and electronic media content on tablet or kiosk based platforms, a system for release debit cards; a system for electronic communication and forms processing between staff and offenders, and so no such systems should be proposed by Respondent. An RFP for the aforementioned services is intended to be released at a later date.

There are two (2) different proposals in which a Respondent may provide pricing, which are listed below. Bulk Supply must be bid on for your proposal to be valid. The State is also interested in a creative alternative approach. Respondents MUST submit a bid on the bulk supply proposal in order to submit an alternative approach proposal. As such, when submitting your company's response, separate folder must be created for each proposal you are bidding on.

- Bulk Supply Proposal
- Alternative Approach Proposal

If a Respondent is submitting an Alternative Approach Proposal then the Respondent must submit separate MWBE and IVBE Subcontractor Commitment forms, one for Bulk Supply and one for the Alternative Approach. If a Respondent is submitting just a proposal for Bulk Supply then the Respondent will only need to submit one set of MWBE and IVBE Subcontractor Commitment forms. The information reported by the Respondent within the MWBE and IVBE Subcontract Commitment forms should be exclusive to that specific proposal's MWBE/IVBE Subcontractor Commitment. Respondents should indicate at the top of the MWBE/IVBE Commitment forms (attachments A and A1), which proposal each from pertains to, as well as making sure each Subcontractor Commitment Letter from the subcontractor contains this information as well.

Each Respondent must submit separate IEI forms for each proposal included in Respondent's proposal. Respondents should indicate at the top of each IEI form (attachment C), which proposal each form pertains to.

1.5 RFP OUTLINE

The outline of this RFP document is described below:

Section	Description
Section 1 – General Information and Requested Products or Services	This section provides an overview of the RFP, general timelines for the process, and a summary of the products/services being solicited by the State/Agency via this RFP
Section 2 – Proposal Preparation Instruction	This section provides instructions on the format and content of the RFP including a Letter of Transmittal, Business

	Proposal, Technical Proposal, and a Cost Proposal
Section 3 – Proposal Evaluation Criteria	This sections discusses the evaluation criteria to be used to evaluate respondents' proposals
Attachment A	M/WBE Participation Plan Form
Attachment A1	IVBE Participation Plan Form
Attachment B	Sample Contract
Attachment C	Indiana Economic Impact Form
Attachment D	Cost Proposal Template
Attachment E	Business Proposal Template
Attachment F	Technical Proposal Template
Attachment G	Q&A Template
Attachment H	Current Order and Delivery Schedule
Attachment I	Current Costs Essentials List
Attachment J	Optional Alternative Cost Proposal Template
Attachment K	Letter of Intent

1.5.1 LETTER OF INTENT

Each Respondent is requested to provide a letter of intent indicating their intention to bid on this project. This letter must be on company letterhead and signed by the Respondent's authorized representative. If the Respondent subsequently decides not to bid after submitting this letter of intent, there are no ramifications. The letter of intent may be emailed to rfp@idoa.IN.gov.

1.6 QUESTION/INQUIRY PROCESS

All questions/inquiries regarding this RFP must be submitted in writing by the deadline of **3:00 p.m. Eastern Daylight Time on August 28, 2015**. There will be a second round of questions/inquiries for further clarifications after the first round of answers have been posted. The second round questions/inquiries must be submitted in writing by the deadline of **3:00 p.m. Eastern Time on September 11, 2015**. Questions/Inquiries may be submitted in Attachment G, Q&A Template, via email to rfp@idoa.IN.gov and must be received by the time and date indicated above.

Following the question/inquiry due date, Procurement Division personnel will compile a list of the questions/inquiries submitted by all Respondents. The responses will be posted to the IDOA website according to the RFP timetable established in Section 1.24. The question/inquiry and answer link will become active after responses to all questions have been compiled. Only answers posted on the IDOA website will be considered official and valid by the State. No Respondent shall

rely upon, take any action, or make any decision based upon any verbal communication with any State employee.

Inquiries are not to be directed to any staff member of the Indiana Department of Correction, including PEN Products, its Industries and Farms Division. Such action may disqualify Respondent from further consideration for a contract resulting from this RFP.

If it becomes necessary to revise any part of this RFP, or if additional information is necessary for a clearer interpretation of provisions of this RFP prior to the due date for proposals, an addendum will be posted on the IDOA website. If such addenda issuance is necessary, the Procurement Division may extend the due date and time of proposals to accommodate such additional information requirements, if required.

1.7 DUE DATE FOR PROPOSALS

All proposals must be received at the address below by the Procurement Division no later than **3:00 p.m. Eastern Time on October 15, 2015**. Each Respondent must submit **one original CD-ROM (marked "Original") and eight (8) complete copies on CD-ROM** of the proposal, including the Transmittal Letter and other related documentation as required in this RFP. The **original** CD-ROM will be considered the official response in evaluating responses for scoring and protest resolution. **The respondent's proposal response on this CD may be posted on the IDOA website, (<http://www.in.gov/idoa/2462.htm>) if recommended for selection.** Each copy of the proposal must follow the format indicated in Section Two of this document. Unnecessarily elaborate brochures or other presentations, beyond those necessary to present a complete and effective proposal, are not desired. All proposals must be addressed to:

Indiana Department of Administration
Procurement Division
402 West Washington Street, Room W468
Indianapolis, IN 46204

If you hand-deliver solicitation responses:

To facilitate weapons restrictions at Indiana Government Center North and Indiana Government Center South, as of **July 21, 2008**, the public must enter IGC buildings through a designated public entrance. The public entrance to Indiana Government Center South is located at 302 W.

Washington St. (the eastern-most Washington St. entrance). This entrance will be equipped with metal detectors and screening devices monitored by Indiana State Police Capitol Police.

Passing through the public entrance may take some time. Please be sure to take this information into consideration if your company plans to submit a solicitation response in person.

If you ship or mail solicitation responses: United States Postal Express and Certified Mail are both delivered to the Government Center Central Mailroom, and not directly to the Procurement Division. It is the responsibility of the Respondent to make sure that solicitation responses are received by the Procurement Division at the Department of Administration's reception desk on or before the designated time and date. Late submissions will not be accepted. The Department of Administration, Procurement Division clock is the official time for all solicitation submissions.

Regardless of delivery method, all proposal packages must be **sealed** and clearly marked with the RFP number, due date, and time due. IDOA will not accept any unsealed bids. Any proposal

received by the Department of Administration, Procurement Division after the due date and time will not be considered. Any late proposals will be returned, unopened, to the Respondent upon request. All rejected proposals not claimed within 30 days of the proposal due date will be destroyed.

No more than one proposal per Respondent may be submitted.

The State accepts no obligations for costs incurred by Respondents in anticipation of being awarded a contract.

1.8 PRE-PROPOSAL CONFERENCE

A pre-proposal conference will be held on **Monday, August 24, 2015 at 9:00am** in Indiana Government Center South Conference Center Room C.

At this conference, potential respondents may ask questions about the RFP process only (i.e. how to fill out IDOA forms, etc.). Respondents are reminded that no answers issued verbally at the conference are binding on the State and any information provided at the conference, unless it is later issued in writing, also is not binding on the State. **Due to limited space, please limit your attendance to two representatives per company/organization/group.**

For your convenience, the PEN Products Warehouse/Distribution Center site visit date coincides with the pre-proposal conference date. The site visit will take place after the pre-proposal conference, with a start time of **11:00 am**. **(Please note: The site visit is at a different location than the pre-proposal conference, so please plan accordingly.)** This will be the only opportunity for a site visit and to tour the Pen Products Warehouse/Distribution Center.

Attendance is HIGHLY ENCOURAGED for any organization planning to submit their proposal as a prime vendor.

Any potential respondent wishing to visit the PEN Products Warehouse/Distribution Center on the day specified above must provide its request at least three days prior to the visit to:

Eric Klinefelter, Strategic Sourcing Analyst
Indiana Department of Administration
Procurement Division
402 W. Washington St., Room W468
Indianapolis, Indiana 46204
E-mail: EKlinefelter@idoa.IN.gov

Since the location is within a secure correctional facility, all visitors must meet the following requirements:

Visitors must provide the IDOA with their name, date of birth, and company represented at least THREE days prior to the visit.

Due to security issues, cell phones and recording devices are not permitted in the facilities and must be secured in the car. No guns, weapons, alcohol, drugs, tobacco products, or cigarette lighters are permitted on state facility grounds, or in the facility. Visitors should have less than \$20.00 in cash or

change on their person when entering the facility and may be subject to a frisk search. Cameras will be allowed for photographs of infrastructure and equipment only.

Visitors should not give to, or accept anything from, any offender while on grounds as this may be a violation of State law. Instructions for entering the facility will be given at the time you register to attend. Visitors must bring a list of all equipment and tools they will be bringing into the facility for each visit.

A representative from PEN Products will be available to show visitors around. At the site visits, potential respondents may ask questions; however, please note that answers to questions asked of IDOC staff during these visits are not binding on the RFP unless the question has been submitted in writing to the IDOA and subsequently answered in writing by the IDOA. Also, no information provided at the site visit, unless it is later issued in writing, is binding on the State. Respondents are encouraged to put their questions in writing after the site visit during the questions and answer period of this RFP.

Below is the address to the PEN Products Warehouse/Distribution Center:

PEN Products Warehouse/Distribution Center
757 Moon Road
Plainfield, IN 46168

1.9 MODIFICATION OR WITHDRAWAL OF OFFERS

Modifications to responses to this RFP may only be made in the manner and format consistent with the submittal of the original response, acceptable to IDOA and clearly identified as a modification.

The Respondent's authorized representative may withdraw the proposal, in person, prior to the due date. Proper documentation and identification will be required before the Procurement Division will release the withdrawn proposal. The authorized representative will be required to sign a receipt for the withdrawn proposal.

Modification to, or withdrawal of, a proposal received by the Procurement Division after the exact hour and date specified for receipt of proposals will not be considered.

1.10 PRICING

Pricing on this RFP must be firm and remain open for a period of not less than 180 days from the proposal due date. Any attempt to manipulate the format of the document, attach caveats to pricing, or submit pricing that deviates from the current format will put your proposal at risk.

Please refer to the Cost Proposal sub-section under Section 2 for a detailed discussion of the proposal pricing format and requirements.

1.11 PROPOSAL CLARIFICATIONS AND DISCUSSIONS, AND CONTRACT DISCUSSIONS

The State reserves the right to request clarifications on proposals submitted to the State. The State also reserves the right to conduct proposal discussions, either oral or written, with Respondents. These discussions could include request for additional information, request for cost or technical proposal revision, etc. Additionally, in conducting discussions, the State may use information derived from proposals submitted by competing respondents only if the identity of the respondent providing the information is not disclosed to others. The State will provide equivalent information to all respondents which have been chosen for discussions. Discussions, along with negotiations with responsible respondents may be conducted for any appropriate purpose.

The Procurement Division will schedule all discussions. Any information gathered through oral discussions must be confirmed in writing.

A sample contract is provided in Attachment B. Any requested changes to the sample contract must be submitted with your response (See Section 2.3.5 for details). The State reserves the right to reject any of these requested changes. It is the State's expectation that any material elements of the contract will be substantially finalized prior to contract award.

1.12 BEST AND FINAL OFFER

The State may request best and final offers from those Respondents determined by the State to be reasonably viable for contract award. However, the State reserves the right to award a contract on the basis of initial proposals received. Therefore, each proposal should contain the Respondent's best terms from a price and technical standpoint.

Following evaluation of the best and final offers, the State may select for final contract negotiations/execution the offers that are most advantageous to the State, considering cost and the evaluation criteria in this RFP.

1.13 REFERENCE SITE VISITS

The State may request a site visit to a Respondent's working support center to aid in the evaluation of the Respondent's proposal. Site visits, if required will be discussed in the technical proposal.

1.14 TYPE AND TERM OF CONTRACT

The State intends to sign a contract with one or more Respondent(s) to fulfill the requirements in this RFP.

The term of the contract shall be for a period of two (2) years from the date of contract execution. There may be up to two (2) one-year renewals for a total of four (4) years at the State's option.

1.15 CONFIDENTIAL INFORMATION

Respondents are advised that materials contained in proposals are subject to the Access to Public Records Act (APRA), IC 5-14-3 *et seq.*, and, after the contract award, the entire RFP file may be

viewed and copied by any member of the public, including news agencies and competitors. Respondents claiming a statutory exception to the APRA must indicate so in the Transmittal Letter. Confidential Information must also be clearly marked in a separate folder on any included CD-ROM. The Respondent must also specify which statutory exception of APRA that applies. The State reserves the right to make determinations of confidentiality. If the Respondent does not identify the statutory exception, the Procurement Division will not consider the submission confidential. If the State does not agree that the information designated is confidential under one of the disclosure exceptions to APRA, it may seek the opinion of the Public Access Counselor. Prices are not confidential information.

1.16 TAXES

Proposals should not include any tax from which the State is exempt.

1.17 PROCUREMENT DIVISION REGISTRATION

In order to receive an award, you must be registered as a bidder with the Department of Administration, Procurement Division. Therefore, to ensure there is no delay in the award all Respondents are strongly encouraged to register prior to submission of their response. Respondents should go to www.in.gov/idoa/2464.htm.

1.18 SECRETARY OF STATE REGISTRATION

If awarded the contract, the Respondent will be required to register, and be in good standing, with the Secretary of State. The registration requirement is applicable to all limited liability partnerships, limited partnerships, corporations, S-corporations, nonprofit corporations and limited liability companies. Information concerning registration with the Secretary of State may be obtained by contacting:

Secretary of State of Indiana
Corporation Division
402 West Washington Street, E018
Indianapolis, IN 46204
(317) 232-6576
www.in.gov/sos

1.19 COMPLIANCE CERTIFICATION

Responses to this RFP serve as a representation that it has no current or outstanding criminal, civil, or enforcement actions initiated by the State, and it agrees that it will immediately notify the State of any such actions. The Respondent also certifies that neither it nor its principals are presently in arrears in payment of its taxes, permit fees or other statutory, regulatory or judicially required payments to the State. The Respondent agrees that the State may confirm, at any time, that no such liabilities exist, and, if such liabilities are discovered, that State may bar the Respondent from contracting with the State, cancel existing contracts, withhold payments to setoff such obligations, and withhold further payments or purchases until the entity is current in its payments on its liability to the State and has submitted proof of such payment to the State.

1.20 EQUAL OPPORTUNITY COMMITMENT

Pursuant to IC 4-13-16.5 and in accordance with 25 IAC 5, it has been determined that there is a reasonable expectation of minority and woman business enterprises subcontracting opportunities on a contract awarded under this RFP. Therefore a contract goal of 8% for Minority Business Enterprises and 8% for Woman Business Enterprises have been established and all respondents will be expected to comply with the regulation set forth in 25 IAC 5.

Failure to address these requirements may impact the evaluation of your proposal.

1.21 MINORITY & WOMEN'S BUSINESS ENTERPRISES RFP SUBCONTRACTOR COMMITMENT

In accordance with 25 IAC 5-5, the respondent is expected to submit with its proposal a MWBE Subcontractor Commitment Form. The Form must show that there are, participating in the proposed contract, Minority Business Enterprises (MBE) and Women Business Enterprises (WBE) listed in the Minority and Women's Business Enterprises Division (MWBED) directory of certified firms located at <http://www.in.gov/idoa/2352.htm>.

If participation is met through use of vendors who supply products and/or services directly to the Respondent, the Respondent must provide a description of products and/or services provided that are directly related to this proposal and the cost of direct supplies for this proposal. Respondents must complete the Subcontractor Commitment Form in its entirety. **If a Respondent is submitting an Alternative Approach Proposal then the Respondent must submit separate MWBE and IVBE Subcontractor Commitment forms, one for Bulk Supply and one for the Alternative Approach. If a Respondent is submitting just a proposal for Bulk Supply then the Respondent will only need to submit one set of MWBE and IVBE Subcontractor Commitment forms. The information reported by the Respondent within the MWBE and IVBE Subcontract Commitment forms should be exclusive to that specific proposal's MWBE/IVBE Subcontractor Commitment. Respondents should indicate at the top of the MWBE/IVBE Commitment forms (attachments A and A1), which proposal each from pertains to, as well as making sure each Subcontractor Commitment Letter from the subcontractor contains this information as well.**

Failure to meet these goals will affect the evaluation of your Proposal. The Department reserves the right to verify all information included on the MWBE Subcontractor Commitment Form.

Respondents are encouraged to contact and work with MWBED at 317-232-3061 to design a subcontractor commitment to meet established goals as referenced in this solicitation.

Prime Contractors must ensure that the proposed subcontractors meet the following criteria:

- | |
|---|
| <ul style="list-style-type: none">• Must be listed on the IDOA Directory of Certified Firms, on or before the proposal due date• Each firm may only serve as one classification – MBE, WBE, or IVBE (see section 1.21) |
|---|

- A Prime Contractor who is an MBE or WBE must meet subcontractor goals by using other listed certified firms. Certified Prime Contractors cannot count their own workforce or companies to meet this requirement.
- **Must serve a Commercially Useful Function (CUF). The firm must serve a value-added purpose on the engagement, as confirmed by the State.**
- Must provide goods or service only in the industry area for which it is certified as listed in the directory at <http://www.in.gov/idoa/2352.htm>
- Must be used to provide the goods or services specific to the contract
- National Diversity Plans are generally not acceptable

MINORITY & WOMEN'S BUSINESS ENTERPRISES RFP SUBCONTRACTOR LETTER OF COMMITMENT

A signed letter(s), on company letterhead, from the MBE and/or WBE must accompany the MWBE Subcontractor Commitment Form. Each letter shall state and will serve as acknowledgement from the MBE and/or WBE of its subcontract amount, a description of products and/or services to be provided on this project, and approximate date the subcontractor will perform work on this contract. The State reserves the right to deny evaluation points if the letter(s) is not attached. The State may deny evaluation points if the letter(s) is not attached, not on company letterhead, not signed and/or does not reference and match the subcontract amount and the anticipated period that the Subcontractor will perform work for this solicitation.

By submission of the Proposal, the Respondent acknowledges and agrees to be bound by the regulatory processes involving the State's M/WBE Program. Questions involving the regulations governing the MWBE Subcontractor Commitment Form should be directed to: Minority and Women's Business Enterprises Division at (317) 232-3061 or <http://www.in.gov/idoa/2352.htm>.

1.22 INDIANA VETERANS BUSINESS ENTERPRISE SUBCONTRACTOR COMMITMENT

In accordance with Executive Order 13-04 and IC 5-22-14-3.5, it has been determined that there is a reasonable expectation of Indiana Veterans Business Enterprises subcontracting opportunities on a contract awarded under this RFP. Therefore, a contract goal of 3% for Indiana Veterans Business Enterprises has been established. The IVBE Subcontractor Commitment Form is to be submitted alongside the respondent's proposal. The Form must show that they are participating in the proposed contract and IVBE firms that meet the requirements listed at the Veteran's Business Program website (<http://www.in.gov/idoa/2862.htm>).

If participation is met through use of vendors who supply products and/or services directly to the Respondent, the Respondent must provide a description of products and/or services provided that are directly related to this proposal and the cost of direct supplies for this proposal. Respondents must complete the Subcontractor Commitment Form in its entirety. **If a Respondent is submitting an Alternative Approach Proposal then the Respondent must submit separate MWBE and IVBE Subcontractor Commitment forms, one for Bulk Supply and one for the Alternative Approach. If a Respondent is submitting just a proposal for Bulk Supply then the Respondent will only need to submit one set of MWBE and IVBE Subcontractor**

Commitment forms. The information reported by the Respondent within the MWBE and IVBE Subcontract Commitment forms should be exclusive to that specific proposal's MWBE/IVBE Subcontractor Commitment. Respondents should indicate at the top of the MWBE/IVBE Commitment forms (attachments A and A1), which proposal each from pertains to, as well as making sure each Subcontractor Commitment Letter from the subcontractor contains this information as well.

The amount entered in “**TOTAL BID AMOUNT**” should match the amount entered in the Attachment D, for the Bulk Supply Cost Proposal Template. The amount entered in “**TOTAL BID AMOUNT**” should match the amount entered in the Attachment J, for the Alternative Approach Cost Proposal Template.

Failure to address these goals may impact the evaluation of your Proposal. The Department reserves the right to verify all information included on the IVBE Subcontractor Commitment Form.

Prime Contractors must ensure that the proposed IVBE subcontractors meet the following criteria:

- Must be listed on Federal Center for Veterans Business Enterprise VetBiz registry, on or before the proposal due date
- Must qualify as a Buy Indiana Business under designation 1, on or before the proposal due date. See section 2.7 for more information
- Each firm may only serve as one classification – MBE, WBE (see Section 1.21) or IVBE
- A Prime Contractor who is an IVBE must meet subcontractor goals by using other listed certified firms. Certified Prime Contractors cannot count their own workforce or companies to meet this requirement.
- **Must serve a Commercially Useful Function (CUF). The firm must serve a value-added purpose on the engagement, as confirmed by the State.**
- Must provide goods or service only in the industry area for which it is certified as listed in the VetBiz directory <http://www.in.gov/idoa/2352.htm>
- Must be used to provide the goods or services specific to the contract

INDIANA VETERAN'S BUSINESS ENTERPRISES RFP SUBCONTRACTOR LETTER OF COMMITMENT

A signed letter(s), on company letterhead, from the IVBE must accompany the IVBE Subcontractor Commitment Form. Each letter shall state and will serve as acknowledgement from the IVBE of its subcontract amount, a description of products and/or services to be provided on this project, and approximate date the subcontractor will perform work on this contract. The State reserves the right to deny evaluation points if the letter(s) is not attached. The State may deny evaluation points if the letter(s) is not attached, not on company letterhead, not signed and/or does not reference and match the subcontract amount, subcontract amount as a percentage of the “**TOTAL BID AMOUNT**” and the anticipated period that the Subcontractor will perform work for this solicitation.

By submission of the Proposal, the Respondent acknowledges and agrees to be bound by the policies and processes involving the State's IVBE Program. Questions involving the regulations governing the IVBE Subcontractor Commitment Form should be directed to:
indianaveteranspreference@idoa.in.gov.

1.23 AMERICANS WITH DISABILITIES ACT

The Respondent specifically agrees to comply with the provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 *et seq.* and 47 U.S.C. 225).

1.24 SUMMARY OF MILESTONES

The following timeline is only an illustration of the RFP process. The dates associated with each step are not to be considered binding. Due to the unpredictable nature of the evaluation period, these dates are commonly subject to change. At the conclusion of the evaluation process, all Respondents will be informed of the evaluation team's findings.

Key RFP Dates

Activity	Date
Issue of RFP	August 13, 2015
Pre-Proposal Conference	August 24, 2015
Deadline to Submit 1 st Round Written Questions	August 28, 2015 by 3:00 PM EST
Response to 1 st Round Written Questions/RFP Amendments	September 8, 2015
Deadline to Submit 2 nd Round Written Questions	September 11, 2015 by 3:00 PM EST
Response to 2 nd Round Written Questions/RFP Amendments	September 17, 2015
Deadline to Submit Letter of Intent	September 21, 2015 by 3:00 PM EST
Submission of Proposals	October 15, 2015 by 3:00 PM EST
<i>The dates for the following activities are target dates only. These activities may be completed earlier or later than the date shown.</i>	
Proposal Evaluation	TBD
Proposal Discussions/Clarifications (if necessary)	TBD
Oral Presentations (if necessary)	TBD
Best and Final Offers (if necessary)	TBD
RFP Award Recommendation	November 12, 2015

1.25 CONFLICT OF INTEREST

Any person, firm or entity that assisted with and/or participated in the preparation of this RFP document is prohibited from submitting a proposal to this specific RFP. For the purposes of this RFP "person" means a state officer, employee, special state appointee, or any individual or entity

working with or advising the State or involved in the preparation of this RFP proposal. This prohibition would also apply to an entity who hires, within a one-year period prior to the publication of this RFP, a person that assisted with and/or participated in the preparation of this RFP.

SECTION TWO PROPOSAL PREPARATION INSTRUCTIONS

2.1 GENERAL

To facilitate the timely evaluation of proposals, a standard format for proposal submission has been developed and is described in this section. All Respondents are required to format their proposals in a manner consistent with the guidelines described below:

- Each item must be addressed in the Respondent's proposal.
- The Transmittal Letter must be in the form of a letter. The business and technical proposals must be organized under the specific section titles as listed below.
- The electronic copies of the proposal submitted via CD-ROM should be organized to mirror the sections below and the attachments.
- Each item, i.e. Transmittal Letter, Business Proposal, Technical Proposal, Cost Proposal, etc, must be separate stand alone electronic files on the CD-ROM. Please do not submit your proposal as one large file.
- Whenever possible, please submit all attachments in their original format.
- Confidential Information must also be clearly marked in a separate folder/file on any included CD-ROM.
- **If you have provided the Alternative Approach Proposal, please create a separate electronic folder for each proposal you are responding to. This folder should contain all of the pertinent files for that proposal (MWBE forms, IVBE forms, IEI form, Transmittal Letter, Business Proposal, and Technical Proposal).**

2.2 TRANSMITTAL LETTER

The Transmittal Letter must address the following topics except those specifically identified as "optional."

2.2.1 Agreement with Requirement in listed in Section 1

The Respondent must explicitly acknowledge understanding of the general information presented in Section 1 and agreement with any requirements/conditions listed in Section 1.

2.2.2 Summary of Ability and Desire to Supply the Required Products or Services

The Transmittal Letter must briefly summarize the Respondent's ability to supply the requested products and/or services that meet the requirements defined in Section 2.4 of this RFP. The letter must also contain a statement indicating the Respondent's willingness to provide the requested products and/or services subject to the terms and conditions set forth in the RFP including, but not limited to, the State's mandatory contract clauses.

2.2.3 Signature of Authorized Representative

A person authorized to commit the Respondent to its representations and who can certify that the information offered in the proposal meets all general conditions including the information requested in Section 2.3.4, must sign the Transmittal Letter. **In the Transmittal Letter, please indicate the principal contact for the proposal along with an address, telephone and fax number as well as an e-mail address, if that contact is different than the individual authorized for signature.**

2.2.4 Respondent Notification

Unless otherwise indicated in the Transmittal Letter, Respondents will be notified via e-mail.

It is the Respondent's obligation to notify the Procurement Division of any changes in any address that may have occurred since the origination of this solicitation. The Procurement Division will not be held responsible for incorrect vendor/contractor addresses.

2.2.5 Confidential Information

Respondents are advised that materials contained in proposals are subject to the Access to Public Records Act (APRA), IC 5-14-3 *et seq.* (see section 1.16).

Provide the following information:

- List all documents where claiming a statutory exemption to the APRA;
- Specify which statutory exception of APRA that applies for each document;
- Provide a description explaining the manner in which the statutory exception to the APRA applies for each document.

2.2.6 Other Information

This item is optional. Any other information the Respondent may wish to briefly summarize will be acceptable.

2.3 BUSINESS PROPOSAL

The Business Proposal must address the following topics except those specifically identified as "optional." **The Business Proposal Template is Attachment E.**

2.3.1 General (optional)

This section of the business proposal may be used to introduce or summarize any information the Respondent deems relevant or important to the State's successful acquisition of the products and/or services requested in this RFP.

2.3.2 Respondent's Company Structure

The legal form of the Respondent's business organization, the state in which formed (accompanied by a certificate of authority), the types of business ventures in which the organization is involved, and a chart of the organization are to be included in this section. If the organization includes more than one product division, the division responsible for the development and marketing of the requested products and/or services in the United States must be described in more detail than other components of the organization.

2.3.3 Company Financial Information

This section must include the Respondent's financial statement, including an income statement and balance sheet, for each of the two most recently completed fiscal years. The financial statements must demonstrate the Respondent's financial stability. If the financial statements being provided by the Respondent are those of a parent or holding company, additional financial information should be provided for the entity/organization directly responding to this RFP.

2.3.4 Integrity of Company Structure and Financial Reporting

This section must include a statement indicating that the CEO and/or CFO has taken personal responsibility for the thoroughness and correctness of any/all financial information supplied with this proposal. The particular areas of interest to the State in considering corporate responsibility include the following items: separation of audit functions from corporate boards and board members, if any, the manner in which the organization assures board integrity, and the separation of audit functions and consulting services. The State will consider the information offered in this section to determine the responsibility of the Respondent under IC 5-22-16-1(d).

The Sarbanes Oxley Act of 2002, H.R. 3763, is NOT directly applicable to this procurement; however, its goals and objectives may be used as a guide in the determination of corporate responsibility for financial reports.

2.3.5 Contract Terms/Clauses

A sample contract that the state expects to execute with the successful Respondent(s) is provided in Attachment B. This contract contains both mandatory and non-mandatory clauses. Mandatory clauses are listed below and are non-negotiable. Other clauses are highly desirable. It is the State's expectation that the final contract will be substantially similar to the sample contract provided in Attachment B.

In your Transmittal Letter please indicate acceptance of these mandatory contract terms (see section 2.2.2). In this section please review the rest of the contract and indicate your acceptance of the non-mandatory contract clauses. If a non-mandatory clause is not acceptable as worded, suggest specific alternative wording to address issues raised by the specific clause. If you require additional contract terms please

include them in this section. To reiterate it's the State's strong desire to not deviate from the contract provided in the attachment and as such the State reserves the right to reject any and all of these requested changes.

The mandatory contract terms are as follows:

- Duties of Contractor, Rate of Pay, and Term of Contract
- Authority to Bind Contractor
- Compliance with Laws
- Drug-Free Workplace Provision and Certification
- Employment Eligibility
- Funding Cancellation
- Governing Laws
- Indemnification
- Information Technology
- Non-Discrimination Clause
- Ownership of Documents and Materials
- Payments
- Penalties/Interest/Attorney's Fees
- Termination for Convenience
- Non-Collusion and Acceptance

Any or all portions of this RFP and any or all portions of the Respondents response may be incorporated as part of the final contract

2.3.6 References

The Respondent must include a list of at least three (3) clients for whom the Respondent has provided products and/or services that are the same or similar to those products and/or services requested in this RFP. Information provided should include the name, address, and telephone number of the client facility and the name, title, and phone/fax numbers of a person who may be contacted for further information.

2.3.7 Registration to do Business

Secretary of State

If awarded the contract, the Respondent will be required to be registered, and be in good standing, with the Secretary of State. The registration requirement is applicable to all limited liability partnerships, limited partnerships, corporations, S-corporations, nonprofit corporations and limited liability companies. The Respondent must indicate the status of registration, if applicable, in this section of the proposal.

Department of Administration, Procurement Division

Additionally, respondents must be registered with the IDOA. This can be accomplished on-line at <http://www.in.gov/idoa/2464.htm>.

The IDOA Procurement Division maintains two databases of vendor information. The Bidder registration database is set up for vendors to register if you are interested in selling a product or service to the State of Indiana. Respondents may register on-line at no cost to become a Bidder with the State of Indiana. To complete the on-line Bidder registration, go to <http://www.in.gov/idoa/2464.htm>. The Bidder registration offers email notification of upcoming solicitation opportunities, corresponding to the Bidder's area(s) of interest, selected during the registration process. Respondents do need to be registered to bid on and receive email notifications. Completion of the Bidder registration will result in your name being added to the Bidder's Database, for email notification. The Bidder registration requires some general business information, an indication of the types of goods and services you can offer the State of Indiana, and locations(s) within the state that you can supply or service. There is no fee to be placed in Procurement Division's Bidder Database. To receive an award, you must be registered as a bidder. Problems or questions concerning the registration process or the registration form can be e-mailed to Amey Redding, Vendor Registration Coordinator, aredding@idoa.in.gov, or you may reach her by phone at (317) 234-3542.

2.3.8 Authorizing Document

Respondent personnel signing the Transmittal Letter of the proposal must be legally authorized by the organization to commit the organization contractually. This section shall contain proof of such authority. A copy of corporate bylaws or a corporate resolution adopted by the board of directors indicating this authority will fulfill this requirement.

2.3.9 Subcontractors

The Respondent is responsible for the performance of any obligations that may result from this RFP, and shall not be relieved by the non-performance of any subcontractor. Any Respondent's proposal must identify all subcontractors and describe the contractual relationship between the Respondent and each subcontractor. Either a copy of the executed subcontract or a letter of agreement over the official signature of the firms involved must accompany each proposal.

Any subcontracts entered into by the Respondent must be in compliance with all State statutes, and will be subject to the provisions thereof. For each portion of the proposed products or services to be provided by a subcontractor, the technical proposal must include the identification of the functions to be provided by the subcontractor and the subcontractor's related qualifications and experience.

The combined qualifications and experience of the Respondent and any or all subcontractors will be considered in the State's evaluation. The Respondent must furnish information to the State as to the amount of the subcontract, the qualifications of the subcontractor for guaranteeing performance, and any other data that may be required by the State. All subcontracts held by the Respondent must be

made available upon request for inspection and examination by appropriate State officials, and such relationships must meet with the approval of the State.

The Respondent must list any subcontractor's name, address and the state in which formed that are proposed to be used in providing the required products or services. The subcontractor's responsibilities under the proposal, anticipated dollar amount for subcontract, the subcontractor's form of organization, and an indication from the subcontractor of a willingness to carry out these responsibilities are to be included for each subcontractor. This assurance in no way relieves the Respondent of any responsibilities in responding to this RFP or in completing the commitments documented in the proposal. The Respondent must indicate which, if any, subcontractors qualify as a Minority or Women Owned Business under IC 4-13-16.5-1. See Section 1.21 and Attachment A for Minority and Women Business information.

2.3.10 General Information

Each Respondent must enter your company's general information including contact information.

2.3.11 Experience Serving State Governments

Each Respondent is asked to please provide a brief description of your company's experience in serving state governments and/or quasi-governmental accounts.

2.3.12 Experience Serving Similar Clients

Each Respondent is asked to please describe your company's experience in serving clients of a similar size to the State that also had a similar scope. Please provide specific clients and detailed examples.

2.3.13 Indiana Preferences

Pursuant to IC 5-22-15-7, Respondent may claim only one (1) preference. For the purposes of this RFP, this limitation to claiming one (1) preference applies to Respondent's ability to claim eligibility for Buy Indiana points. **Respondent must clearly indicate which preference(s) they intend to claim. Additionally, the Respondent's Buy Indiana status must be finalized when the RFP response is submitted to the State.**

Buy Indiana

Refer to Section 2.7 for additional information.

2.3.14 Payment

Respondent should be able to accept payment by credit card as an optional form of payment, but should be able to accept other forms of payment from the State as well. In the Respondent's proposal, the Respondent should agree to accept any credit

card-user handling fees associated with acceptance of the State's Purchasing Card. Please demonstrate how your company will meet this requirement of accepting payment by credit card as the only form of payment if the State chooses to implement this policy.

2.4 TECHNICAL PROPOSAL

The State's Technical Proposal for this RFP is Attachment F. Respondents must provide a Technical Proposal that is responsive to the State's Technical Proposal. The Technical Proposal sets forth the list of specifications and the vendor should follow the enumerated sections with a response. Every point made in each section must be addressed in the order given. The same outline numbers must be used in the response. RFP language should not be repeated within the response. Where appropriate, supporting documentation may be referenced by a page and paragraph number. However, when this is done, the body of the technical proposal must contain a meaningful summary of the referenced material. The referenced document must be included as an appendix to the technical proposal with referenced sections clearly marked. If there are multiple references or multiple documents, these must be listed and organized for ease of use by the State. The Technical proposal for this RFP does include a section for optional alternative proposals.

2.5 COST PROPOSAL

The Cost Proposal Template for Bulk Commissary Supply is Attachment D. The Cost Proposal Template for Alternative Approach is Attachment J.

Respondents MUST bid on all categories for their proposal to be valid.

Respondents for Bulk Commissary Supply should use Attachment D (Current PEN Products cost of bulk supplied products) to propose costs in the form of product pricing. The cost is set forth in a spreadsheet format. Respondents' pricing will use the current PEN Products cost for bulk supplied products as a baseline which is set forth in Attachment I.

Respondents submitting Alternative Proposals should use Attachment J to develop the Cost Proposal. The price is set forth in a spreadsheet format. Respondents' pricing will use the current PEN Products selling price for products as a baseline. This pricing is set forth in Attachment J.

The Cost Proposal(s) must be submitted in the original format. Any attempt to manipulate the format of the Cost Proposal(s) document, attach caveats to pricing, or submit pricing that deviates from the current format will put your proposal at risk.

Cost Proposal Narrative

The Respondent should provide a brief narrative (not longer than two pages) in support of each Cost Proposal item. The narrative should be focused on clarifying how the proposed prices correspond directly to the Respondent's Technical Proposal. For example, evaluators will expect detailed explanation of Bulk Supply to correspond to Bulk Supply items described in the Technical Proposal.

Cost Assumptions, Conditions and Constraints

The Respondent should list and describe as part of its Cost Proposal any special cost assumptions, conditions, and/or constraints relative to, or which impact, the prices presented on the Cost Schedules. It is of particular importance to describe any assumptions made by the Respondent in the development of the Respondent's Technical Proposal that have a material impact on price. It is in the best interest of the Respondent to make explicit the assumptions, conditions, and/or constraints that underlie the values presented on the Cost Schedules. Assumptions, conditions or constraints that conflict with the RFP requirements are not acceptable.

Respondents MUST submit a bid on the Bulk Supply Proposal in order to submit an Alternative Approach Proposal.

2.6 INDIANA ECONOMIC IMPACT

All companies desiring to do business with state agencies must complete an "Indiana Economic Impact" form (Attachment C). The collection and recognition of the information collected with the Indiana Economic Impact form places a strong emphasis on the economic impact a project will have on Indiana and its residents regardless of where a business is located. The collection of this information does not restrict any company or firm from doing business with the state. The amount entered in Line 16 "Total amount of this proposal, bid, or current contract" should match the amount entered in the Attachment D, for Bulk Supply Cost Proposal Template. "Total amount of this proposal, bid, or current contract" should match the amount entered in the Attachment J, for Alternative Approach Cost Proposal Template.

Each Respondent must submit separate IEI forms for each proposal included in Respondent's proposal. Respondents should indicate at the top of each IEI form (attachment C), which proposal each form pertains to.

2.7 BUY INDIANA INITIATIVE/INDIANA COMPANY

It is the Respondent's responsibility to confirm its Buy Indiana status for this portion of the process. If a Respondent has previously registered its business with IDOA, go to <http://www.in.gov/idoa/2464.htm> and click on the link to update this registration. Click the tab titled Buy Indiana. Select the appropriate category for your business. Respondents may only select one category. Certify this selection by clicking the check box next to the certification paragraph. Once this is complete, save your selection and exit your account.

Respondents that have not previously registered with IDOA must go to <http://www.in.gov/idoa/2464.htm> and click on the link to register. During the registration process, follow the steps outlined in the paragraph above to certify your business' status. The registration process should be complete at the time of proposal submission.

Respondent must clearly indicate which preference(s) they intend to claim in the Business Proposal, Attachment E. Additionally, the Respondent's Buy Indiana status must be finalized when the RFP response is submitted to the State.

Defining an Indiana Business:

“Indiana business” refers to any of the following:

- (1) A business whose principal place of business is located in Indiana.
- (2) A business that pays a majority of its payroll (in dollar volume) to residents of Indiana.
- (3) A business that employs Indiana residents as a majority of its employees.

Respondents claiming this status must indicate which of the provisions above qualifies them as an Indiana business. They must also fully complete the Indiana Economic Impact Form (Attachment C) and include it with their response.

The following is the policy concerning items 4 & 5 described below. Appropriate documentation must be provided with your proposal response supporting either claim made below:

- (4) A business that makes significant capital investments in Indiana.
- (5) A business that has a substantial positive economic impact on Indiana.

Substantial Capital Investment:

Any company that can demonstrate a minimum capital investment of \$5 million or more in plant and/or equipment or annual lease payments of \$2.5 million or more shall qualify as an Indiana business under category #4. If an out of state company does not meet one of these criteria, it can submit documentation/justification to the State for review for inclusion under this category.

Substantial Indiana Economic Impact:

Any company that is in the top 500 companies (adjusted) for one of the following categories: number of employees (DWD), unemployment taxes (DWD), payroll withholding taxes (DOR), or Corporate Income Taxes (DOR); it shall qualify as an Indiana business under category #5. If a Respondent needs assistance in determining if its business qualifies under this criterion, please send an email inquiry to buyindianainvest@idoa.in.gov and you will receive a response within forty-eight (48) hours. If an out of state company does not meet one of these criteria, it can submit documentation/justification to the State for review for inclusion under this category.

SECTION THREE PROPOSAL EVALUATION

3.1 PROPOSAL EVALUATION PROCEDURE

The State has selected a group of personnel to act as a proposal evaluation team. Subgroups of this team, consisting of one or more team members, will be responsible for evaluating proposals with regard to compliance with RFP requirements. All evaluation personnel will use the evaluation criteria stated in Section 3.2. The Commissioner of IDOA or their designee will, in the exercise of their sole discretion, determine which proposals offer the best means of servicing the interests of the State. The exercise of this discretion will be final.

The procedure for evaluating the proposals against the evaluation criteria will be as follows:

- 3.1.1 Each proposal will be evaluated for adherence to requirements on a pass/fail basis. Proposals that are incomplete or otherwise do not conform to proposal submission requirements may be eliminated from consideration.
- 3.1.2 Each proposal will be evaluated on the basis of the categories included in Section 3.2. A point score has been established for each category.
- 3.1.3 If technical proposals are close to equal, greater weight may be given to price.
- 3.1.4 Based on the results of this evaluation, the qualifying proposal determined to be the most advantageous to the State, taking into account all of the evaluation factors, may be selected by IDOA and Indiana Department of Correction for further action, such as contract negotiations. If, however, IDOA and Indiana Department of Correction decide that no proposal is sufficiently advantageous to the State, the State may take whatever further action is deemed necessary to fulfill its needs. If, for any reason, a proposal is selected and it is not possible to consummate a contract with the Respondent, IDOA may begin contract preparation with the next qualified Respondent or determine that no such alternate proposal exists.
- 3.1.5 This RFP allows for alternative proposals for the Respondent to take over one or more components of the current IDOC Commissary operation which is currently managed and operated by PEN Products. The IDOC prefers that PEN Products maintain its role in the operations; accordingly, if pursuing an alternative proposal is determined to be in the State's best interest, the State will then evaluate the alternative proposals separately from the bulk supply proposals, and a decision rendered by the State as to whether to continue with PEN Products current role, or pursue alternative proposals for replacing one or more parts of the PEN Products operations before competing like proposals against each other. Once the decision is made as to the approach, all the proposals for the selected approach (either bulk supply or the alternative approach replacing one or more of PEN Products current operation) will be evaluated as set forth herein. The State reserves the sole right to determine which approach as between the bulk supply and replacement of PEN Products' current operations is in the State's best interest.

- 3.1.6 To address any conflict of interest inherent in PEN Products evaluating or reviewing alternative proposals that may propose a Vendor taking over part of PEN Products' current operations, PEN Products will not be a part of the Evaluation Team that is to review the alternative proposals, and the alternative proposals will not be shared with PEN Products, nor discussed with PEN Products by the Evaluation Team. However, the Evaluation Team evaluating the alternative proposals may, through IDOA, ask PEN Products to submit information on its operations for the purpose of comparing those operations to those proposed in an alternate proposal. This having been said, if the State decides not to pursue an alternative proposal for a Vendor to take over one or more components of the current Commissary operations, but instead pursues a proposal for bulk commissary supply, the State may allow PEN Products to be represented on the Evaluation Team that evaluates the bulk commissary supply proposals only.

3.2 EVALUATION CRITERIA

Proposals will be evaluated based upon the proven ability of the Respondent to satisfy the requirements of the RFP in a cost-effective manner. Each of the evaluation criteria categories is described below with a brief explanation of the basis for evaluation in that category. The points associated with each category are indicated following the category name (total maximum points = 108). Negative points may be assigned in the cost score. Additionally, there is an opportunity for a bonus of five points if certain criteria are met. For further information, please reference Section 3.2.3 below. If any one or more of the listed criteria on which the responses to this RFP will be evaluated are found to be inconsistent or incompatible with applicable federal laws, regulations or policies, the specific criterion or criteria will be disregarded and the responses will be evaluated and scored without taking into account such criterion or criteria.

Summary of Evaluation Criteria:

Criteria	Points
1. Adherence to Mandatory Requirements	Pass/Fail
2. Management Assessment/Quality (Business and Technical Proposal)	45 available points
3. Cost (Cost Proposal)	-30 to +30 available points (5 bonus points are available if certain criteria is met)
4. Indiana Economic Impact	5
5. Buy Indiana	5
6. Minority Business Enterprise Subcontractor Commitment	5 (1 bonus point is available, see Section 3.2.6)
7. Women Business Enterprise Subcontractor Commitment	5 (1 bonus point is available, see Section 3.2.6)
8. Indiana Veteran Business Enterprise (IVBE) Subcontractor Commitment	5 (1 bonus point is available, see Section 3.2.7)
Total	100 (108 if bonus awarded)

All proposals will be evaluated using the following approach.

Step 1

In this step proposals will be evaluated only against Criteria 1 to ensure that they adhere to Mandatory Requirements. Any proposals not meeting the Mandatory Requirements will be disqualified.

Step 2

The proposals that meet the Mandatory Requirements will then be scored based on Criteria 2 and 3 ONLY. This scoring will have a maximum possible score of 75 points with a potential of 5 bonus points if certain criteria are met. All proposals will be ranked on the basis of their combined scores for Criteria 2 and 3 ONLY. This ranking will be used to create a “short list”. Any proposal not making the “short list” will not be considered for any further evaluation.

Step 2 may include one or more rounds of proposal discussions, oral presentations, clarifications, demonstrations, etc. focused on cost and other proposal elements. Step 2 may include a second “short list”.

Step 3

The short-listed proposals will then be evaluated based on all the entire evaluation criteria outlined in the table above.

If the State conducts additional rounds of discussions and a BAFO round which lead to changes in either the technical or cost proposal for the short listed Respondents, their scores will be recomputed.

The section below describes the different evaluation criteria.

- 3.2.1 Adherence to Requirements – Pass/Fail
Respondents passing this category move to Phase 2 and proposal is evaluated for Management Assessment/Quality and Price.

The following 2 categories cannot exceed 75 points.

- 3.2.2 Management Assessment/Quality – **45** available points
- 3.2.3 Price – **30** available points

Price will be measured against the State’s baseline cost for this scope of work. The cost that the State is currently paying for the items on its Essentials List in the aggregate, or its best estimate of such cost, will constitute the baseline cost. The Baseline is therefore the aggregate of the cost of all products set forth in the Cost Proposal/Essentials list, Attachment D. The State is expecting Respondent’s company to offer its lowest net price, or wholesale cost, for all items in Attachment D.

Price will be measured against the State's baseline cost for this scope of work. The cost that the State is currently paying or its best estimate will constitute the baseline cost. Cost scoring points will be assigned as follows:

- Respondents who meet the State's current baseline cost will receive zero (0) cost points.
- Respondents who propose a decrease to the State's current costs will receive positive points at the same rate as bid increasing cost.
- Respondents who propose an increase to the State's current cost will receive negative points at the same rate as bid lowering cost.
- Respondents who propose a 10% decrease to the State's current baseline cost will receive all of the available cost points.
- If multiple Respondents decrease costs below 10% of the current baseline, an additional 5 points will be added to the Respondent proposing the lowest cost to the State.

Note: A similar approach will be used to evaluate the optional alternative proposals, with the baseline for those proposals being the current selling price charged by PEN Products to offenders.

3.2.4 Indiana Economic Impact (5 points)

See Section 2.6 for additional information.

The total number of full time equivalent (FTE – please see Section 1.2 for a definition of FTE's) Indiana resident employees for the Respondent's proposal, to execute the scope of work proposed in this RFP, (prime contractor and subcontractors) will be used to evaluate the Respondent's Indiana Economic Impact. Points will be awarded based on a graduated scale. The Respondent with the most Indiana FTEs will be awarded 5 points. Points will then be awarded to the remaining Respondents proportionately. Please see Attachment C, Indiana Economic Impact Form, for more detailed instructions.

3.2.5 Buy Indiana Initiative – 5 points

Respondents qualifying as an Indiana Company as defined in Section 2.7 will receive 5 points in this category.

3.2.6 Minority (5 points) & Women's Business (5 points) Subcontractor Commitment - (10 points).

The following formula will be used to determine points to be awarded based on the MBE and WBE goals listed in Section 1.20 of this RFP. Scoring is conducted based on an assigned 10-point, plus possible 2 bonus-points, scale (MBE: Possible 5 points + 1 bonus point, WBE: Possible 5 points + 1 bonus Point). Points are assigned for respective MBE participation and WBE participation based upon the BAFO meeting or exceeding the established goals.

If the respondent's commitment percentage is less than the established MBE or WBE goal, the maximum points achieved will be awarded according to the following schedule:

%	1%	2%	3%	4%	5%	6%	7%	8%
Pts.	.625	1.25	1.875	2.5	3.125	3.75	4.375	5.0

NOTE: Fractional percentages will be rounded up or down to the nearest whole percentage. (e.g. 7.49% will be rounded down to 7% = 4.375 pts., 7.50% will be rounded up to 8% = 5.00 pts.)

If the respondent's commitment percentage is rounded down to 0% for MBE or WBE participation the respondent will receive 0 points.

If the respondent's commitment percentage is 0% for MBE or WBE participation, a deduction of 1 point will be discounted on the respective MBE or WBE score.

The respondent with the greatest applicable CUF participation which exceeds the stated goal for the respective MBE or WBE category will be awarded 6 points (5 points plus 1 bonus point). In cases where there is a tie for the greatest applicable CUF participation and both firms exceed the goal for the respective MBE/WBE category both firms will receive 6 points.

3.2.7 Indiana Veteran Business Enterprise Subcontractor Commitment - (5 points).

The following formula will be used to determine points to be awarded based on the IVBE goal listed in Section 1.22 of this RFP. Scoring is conducted based on an assigned 5-point, plus possible 1 bonus-point, scale. Points are assigned for IVBE participation based upon the BAFO meeting or exceeding the established goals.

If the respondent's commitment percentage is less than the established IVBE goal, the maximum points achieved will be awarded according to the following schedule:

%	0%	0.6%	1.2%	1.8%	2.4%	3%
Pts.	-1	1	2	3	4	5

NOTE: Fractional points will be awarded based upon a graduated scale between whole points. (e.g. a 0.3% commitment will receive .5 points and a 1.5% commitment will receive 2.5 points)

If the respondent's commitment percentage is 0% for IVBE participation, a deduction of 1 point will be assessed.

The respondent with the greatest applicable CUF participation which exceeds the stated goal for the IVBE category will be awarded 6 points (5 points plus 1 bonus point). In cases where there is a tie for the greatest applicable CUF participation and both firms exceed the goal for the IVBE category both firms will receive 6 points.

3.2.8 Qualified State Agency Preference Scoring

When applicable, pursuant to Indiana Code 5-22-13, a qualified state agency submitting a response to this RFP will be awarded preference points for Minority, Women's, and Indiana Veteran Business Enterprise equal the Respondent awarded the highest combined points awarded for such preferences in the scoring of this RFP.

The Commissioner of IDOA or their designee will, in the exercise of their sole discretion, determine which proposal(s) offer the best means of servicing the interests of the State. The exercise of this discretion will be final.